

BENJAMIN J. HORWICH (State Bar No. 249090)
GABRIEL M. BRONSHTEYN (State Bar No. 338011)
MUNGER, TOLLES & OLSON LLP
560 Mission Street, Twenty-Seventh Floor
San Francisco, California 94105
Telephone: (415) 512-4000
Facsimile: (415) 512-4077
ben.horwich@mto.com
gabriel.bronshTEYN@mto.com

Attorneys for Plaintiff BNSF Railway Company

(Counsel for Defendants listed on signature page)

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

BNSF RAILWAY COMPANY,

Plaintiff,

vs.

ALAMEDA COUNTY,
CONTRA COSTA COUNTY,
FRESNO COUNTY,
KERN COUNTY,
KINGS COUNTY,
MADERA COUNTY,
MERCED COUNTY,
ORANGE COUNTY,
PLUMAS COUNTY
RIVERSIDE COUNTY,
SAN BERNARDINO COUNTY,
SAN DIEGO COUNTY,
SAN JOAQUIN COUNTY,
STANISLAUS COUNTY, and
TULARE COUNTY, CALIFORNIA,

Defendants.

Case No. 4:19-cv-07230-HSG

**STIPULATION AND ORDER
EXTENDING TIME TO FILE CASE
MANAGEMENT STATEMENT**

Judge: Hon. Haywood S. Gilliam, Jr.

STIPULATION

The parties to the above entitled action, by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS, proceedings in this Court are stayed until a Case Management Conference is held;

WHEREAS, this Court has scheduled a Case Management Conference for November 16, 2021;

WHEREAS, the current deadline for the parties to submit a Joint Case Management Statement is October 29, 2021;

WHEREAS, this Court's Standing Order for Civil Cases provides that "[p]arties shall file their joint statement not less than seven calendar days prior to the case management conference";

WHEREAS, the parties agree that the deadline for submitting a Joint Case Management Statement should be extended to November 9, 2021, seven calendar days prior to the Case Management Conference;

WHEREAS, the requested time modification would have no other impact on the schedule for the case;

NOW THEREFORE, IT IS STIPULATED AND AGREED, by and between Plaintiff and Defendants, and subject to approval of the Court, that:

(1) The parties shall submit a Joint Case Management Statement to this Court on or before November 9, 2021.

Pursuant to Local Civil Rule 6-2(a)(2), the parties disclose that they previously agreed, and this Court ordered, (1) that proceedings in this Court on remand from the Ninth Circuit should be stayed until a Case Management Conference can be held, and that the parties would submit a Joint Case Management Statement on or before October 29, 2021; (2) that the deadline for Defendants to file their Opposition to Plaintiff's Motion for Preliminary Injunction should be extended to February 3, 2020 and the deadline for Plaintiff to file its Reply in support of its Motion for Preliminary Injunction should be extended to February 20, 2020; (3) that the

1 deadline for Defendants to file their Opposition to Plaintiff BNSF's Motion for Preliminary
2 Injunction should be extended to February 10, 2020, and (4) that the Case Management
3 Conference should be continued to March 5, 2020 to coincide with the hearing on Plaintiff
4 BNSF's Motion for Preliminary Injunction, and the parties' Case Management Statement
5 including the Rule 26(f) report should be filed by February 27, 2020. In addition, the parties
6 previously agreed to extend Defendants' deadline to respond to the Complaint to January 31, 2020
7 and then to February 14, 2020.

1 DATED: October 27, 2021

MUNGER, TOLLES & OLSON LLP

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3 By: /s/ Gabriel M. Bronshteyn

4 BENJAMIN J. HORWICH

(State Bar No. 249090)

GABRIEL M. BRONSHTEYN

(State Bar No. 338011)

5 560 Mission Street, Twenty-Seventh Floor

6 San Francisco, California 94105

7 Telephone: (415) 512-4000

8 Facsimile: (415) 512-4077

ben.horwich@mto.com

gabriel.bronshteyn@mto.com

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10 *Attorneys for Plaintiff BNSF Railway Company*

11 DATED: October 27, 2021

OLSON REMCHO, LLP

12
13 By: /s/ Margaret R. Prinzing

14 Margaret R. Prinzing

15 Attorney for Defendants County of Alameda,
County of Contra Costa, County of Fresno,
16 County of Kern, County of Madera, County of
Merced, County of Orange, County of Plumas,
17 County of Riverside, County of San Bernardino,
County of San Joaquin, County of Stanislaus, and
18 County of Tulare

19
20 DATED: October 27, 2021

COUNTY COUNSEL, SAN DIEGO COUNTY

21 By: /s/ Laura E. Dolan

22 Laura E. Dolan

(State Bar No. 302859)

23 Senior Deputy County Counsel

24 Office of the County Counsel, San Diego County

1600 Pacific Highway, Room 355

25 San Diego, CA 92101

26 Telephone: (619) 531-5801

Email: Laura.Dolan@sdcounty.ca.gov

27 Attorney for Defendant County of San Diego

1 Upon presentation of the parties' stipulation and good cause shown, IT IS SO ORDERED.
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3 DATED: 10/28/2021

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5 HON. HAYWOOD S. GILLIAM, JR.

6 UNITED STATES DISTRICT JUDGE
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